

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

May 29, 1943

INTER-OFFICE MEMORANDUM

Subject: Procedures used for the handling of classified material

There are attached, for convenient reference, copies of two memoranda from the Office of War Information dated September 28 and November 13, 1942, regarding the security of information. This material was discussed at a meeting of Department Heads in my office in December and it was generally agreed that the procedure then in effect for the handling of confidential, secret, and restricted material was generally in accord with the regulations of the Office of War Information. It was further agreed that each Department Head would be directly responsible for the security of classified material within his department.

In this connection, it may be well to review the provisions of Paragraph 7 of OWI Regulation No. 4 to make certain that all classified information is being handled in accordance with the procedure contained therein.

Subparagraph (6) of Paragraph 7 is particularly important as it contains the regulations which should be followed in transmitting secret or confidential information from one person authorized to have such information to another. When such documents are transmitted to persons outside the Commission, they should be inclosed in an inner and outer cover and sealed and marked in accordance with the OWI regulations. Secret or confidential information, when delivered by other than specially authorized personnel, shall be transmitted by registered mail, but restricted information may be delivered by any authorized messenger or transmitted by ordinary mail. In no case shall the outside envelope indicate the classified nature of the contents.

The approved practice in this connection is to insert secret and confidential documents in a large manila envelope which shall be sealed each time the material is routed by messenger from one office to another. Only the person to whom such material is addressed or his authorized representative may open such envelopes and examine the material contained therein.

It is important that all personnel authorized to handle classified material understand this procedure as well as the attached regulations. Any suggestions or questions with respect to the Commission's system of handling classified material should be addressed to the Chief Engineer, who has been designated as the Security Officer for the Commission.

Attachments

Distribution:

Minute Clerk
Commissioners
Department Heads (8 copies to each Department Head)


E. K. Jett,
Security Officer

EKJ:fj

COPY CL

OFFICE OF WAR INFORMATION

68388

Washington

November 13, 1942

AMENDMENT TO OWI REGULATION NUMBER 4

TO THE HEADS OF ALL DEPARTMENTS AND AGENCIES:

It has appeared recently that the definitions of "secret information" and "confidential information" contained in OWI Regulation Number 4, dated September 28, 1942, require modification. Accordingly, Subsection (c) of Section 1 of the aforesaid regulation is hereby amended to read as follows:

- c. There shall be three categories of classified information as follows:

Secret Information is information the disclosure of which might endanger national security, or cause serious injury to the Nation or any governmental activity thereof.

Confidential Information is information the disclosure of which, although not endangering the national security, would impair the effectiveness of governmental activity in the prosecution of the war.

Restricted Information is information the disclosure of which should be limited for reasons of administrative privacy, or is information not classified as confidential because the benefits to be gained by a lower classification, such as permitting wider dissemination where necessary to effect the expeditious accomplishment of a particular project, outweigh the value of the additional security obtainable from the higher classification.

/s/ Elmer Davis

OFFICE OF WAR INFORMATION

Washington

M-195

September 28, 1942

To the Heads of All Departments and Agencies:

The necessity for a uniform practice within the Government with regard to the security of information has become a matter of some urgency. Practice has differed markedly among the departments, with the result that some documents which should have been treated as secret have been permitted too free a circulation, while others which were in no sense secret or confidential have been improperly classified in these categories.

In order to further uniformity in this regard, I have issued the attached regulations. It is to be noted that these regulations provide only a minimum standard. It would be advisable for each agency to adopt such additional regulations as would:

- a. Make more specific the general regulations of the Office of War Information in accordance with the requirements of the agency; and
- b. Provide for appropriate handling and safeguarding of classified information in accordance with the particular organization and routines of the agency.

I believe that the security of information would be considerably advanced if each agency having classified information were to designate a trusted official as a security officer. May I ask you to be good enough to make such a designation within your own agency?

This Office stands ready to offer such assistance as is possible in facilitating the operations of your security officer.

The Director of the Bureau of the Budget will continue to exercise his responsibilities under Executive Order 9103 in accordance with paragraph 10 a of the enclosed regulations.

/s/ Elmer Davis

Elmer Davis
Director

Enclosures

September 28, 1942

CWI Regulation No. 4

TO THE HEADS OF EXECUTIVE DEPARTMENTS,
INDEPENDENT ESTABLISHMENTS, AND OTHER
GOVERNMENT AGENCIES, INCLUDING CORPORATIONS:

In order to provide uniform safeguards over information which might prove of aid or comfort to the enemy and to prevent undue restriction of information which may appropriately be made available to the public, the following regulations are hereby issued by virtue of the authority vested in me by Executive Order 9182.

1. DEFINITIONS

- a. The term "information" as used herein shall include documents, maps, charts, blueprints, photographs, models or other materials which convey information relating to national defense, as well as copies thereof obtained by any means of reproduction or transcription.
- b. The term "classified information" shall designate information relating to national defense requiring special provision for safeguarding. Information which needs no safeguarding shall be referred to as unclassified information.

- c. There shall be three categories of classified information as follows:

Secret Information is information the disclosure of which might endanger national security, or cause serious injury to the interests or prestige of the Nation or any governmental activity thereof.

Confidential Information is information the disclosure of which although not endangering the national security would be prejudicial to the interests or prestige of the Nation or to a governmental activity thereof.

Restricted Information is information the disclosure of which should be limited for reasons of administrative privacy, or is information not classified as confidential because the benefits to be gained by a lower classification, such as permitting wider dissemination where necessary to effect the expeditious accomplishment of a particular project outweigh the value of the additional security obtainable from the higher classification.

- d. Documents such as books or pamphlets, the pages of which are permanently and securely fastened together, shall receive the most restrictive classification, if any, which is attached to any of the material contained therein.

2. AUTHORITY TO CLASSIFY

The head of each Federal agency or his designated representative shall classify information as secret, confidential, or restricted if the character of the information indicates the need for such classification.

The authority making the original classification, or superior authority within the agency, may cancel or change the classification of a document, or may direct such cancellation or change.

3. OVERCLASSIFICATION

Documents or materials requiring classification shall be assigned the least restrictive classification consistent with the proper safeguarding of the information or material. Care should be taken to avoid overclassification, particularly in cases where undue restriction may prevent dissemination of information which should properly be disclosed to the public or to Congress.

4. IDENTIFICATION OF CLASSIFIED INFORMATION

a. Classified documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be plainly marked secret, confidential, or restricted on the cover, title page, and first page. Classified communications and other material not permanently and securely fastened together, shall be marked or stamped with the appropriate classification at the top and bottom of each page. The marking at the top shall be so placed that it will not be hidden from view when the pages are clipped or stapled together.

Classified maps and photomaps shall be appropriately marked under the scale.

b. Documents containing classified information furnished persons other than those in the Federal service shall, in addition to being marked secret, confidential, or restricted, bear the following notation:

"This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, 50 U.S.C., 31 and 32, as amended. Its transmission to or the revelation of its contents in any manner to an unauthorized person is prohibited by law."

5. DISSEMINATION OF CLASSIFIED INFORMATION

A. No person is entitled solely by virtue of his office or position to knowledge or possession of classified information. Except as provided by subsections d(3) and d(4) below, such information is entrusted only to those individuals whose official duties require such information.

b. The head of each agency, or his duly authorized representative, shall maintain lists of persons receiving secret information and lists of persons receiving confidential information from that agency.

c. The head of each agency may, by regulation, provide for the registration of secret or confidential information.

d. (1) The distribution of secret matter shall be held to the absolute minimum.

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- (2) Confidential information shall be disclosed only to those persons in the service of the United States whose duties require that they have such knowledge, except as hereinafter provided.
- (3) Restricted information may be given, when for the good of the Federal service to any person known to be in that service, provided that the consent of the originating agency is secured; but shall not be released or communicated to the public, the press, or any other agency through which information may be disseminated to the public.
- (4) Under unusual circumstances classified information may be entrusted to persons not in the employ of the Federal Government whose special services to the United States require such information for the more effective rendering of such service, provided that the consent of the originating agency is secured.
- (5) Classified matters shall not be discussed in personal correspondence. Secret matters shall not be discussed over the telephone. Necessary references made to confidential matters over the telephone shall be held to the lowest practicable minimum.
- (6) No secret or confidential information shall be sent in clear over leased or private wire, whether telephone, telegraph or teletype or in clear over any scrambling device unless the design and installation have been approved by the Signal Corps of the U. S. Army, or other appropriate authority.

6. RESPONSIBILITY

Each agency shall accord to matter classified by any other agency the type and degree of care in handling that is required by the classification marked thereon. The safeguarding of classified information is the responsibility of all employees of the Federal Government. Classified information shall be discussed by persons having access thereto only with other persons authorized to have access to the same information.

7. HANDLING OF CLASSIFIED INFORMATION

- (1) Documents or other materials containing secret information when not in use shall be kept locked in the most secure safe or other container available and in the absence of an authorized employee of the Federal Government, the door or doors of the room in which the safe or other container is located shall also be kept locked.
- (2) Documents or other materials containing confidential information shall be kept in a locked container when not in use.
- (3) Documents or other materials containing restricted information shall be stored and handled in such a manner as to insure a reasonable degree of security.

- (4) Cipher tables, alphabets and keys shall not be kept in the same container as the code books, documents and devices to which they apply.
- (5) In all agencies, appointed officers shall make an inspection immediately before the close of business to insure that all secret documents and cryptographic devices have been properly and safely put away.
- (6) Documents or other materials containing secret or confidential information which are to be transmitted from one person authorized to have such information to another, except when personally delivered by specially authorized personnel, shall be enclosed in an inner and outer cover. The inner cover shall be a sealed wrapper or envelope plainly marked secret or confidential and the outer cover shall be sealed and addressed with no notation to indicate its secret classification. Secret or confidential information when delivered by other than specially authorized personnel shall be transmitted by registered mail. Restricted information may be delivered by any authorized messenger or transmitted by ordinary mail. In no case shall the outside envelope indicate the classified nature of the contents.
- (7) Upon direction of competent authority, classified information shall be destroyed in such a fashion as to render it useless and to prevent any possibility of its falling into the hands of an unauthorized person.

Preliminary drafts, carbon sheets, plates, stencils, stenographic notes, and work sheets containing classified data shall be destroyed by the person responsible for their production immediately after they have served their purpose or shall be given the same classification and safeguarded in the same manner as the material produced from them.

- (8) Special procedures shall be instituted by each agency in mail rooms and in duplicating and tabulating units which will insure handling of secret and confidential information only by specially authorized employees.
- (9) Each agency sending or receiving secret or confidential messages in code or cipher shall appoint a cryptographic security officer who shall be the custodian of cryptographic material and shall be responsible for all measures necessary to insure cryptographic security under appropriate regulations issued by the head of the agency.

8. REGULATIONS TO BE ISSUED

The head of each agency shall issue such further regulations as he may deem necessary to enforce the provisions of this order and shall assume responsibility for its enforcement.

9. ESPIONAGE ACT

Attention is directed to the following extract from the Espionage Act concerning unlawful disclosures of military information through willfull action or gross negligence:

"Whoever ... being intrusted with any document ... relating to the national defense, willfully communicates ... the same to any person not entitled to receive it, or willfully ... fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or ... through gross negligence permits the same to be removed from its proper place of custody ... shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000."

10. EFFECT AND DURATION

- a. Subject to these regulations and such further regulations as may be issued by the Director of the Office of War Information, the classification and publication of statistical information shall be in accordance with determinations made by the Director of the Bureau of the Budget as provided in Executive Order 9103.
- b. These regulations shall take effect immediately and shall remain in effect until further notice.

/s/ Elmer Davis

Elmer Davis
Director